

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

BILLY JOE MONTGOMERY §  
VS. § CIVIL ACTION NO. 1:07cv23  
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Billy Joe Montgomery, an inmate confined at the Hightower Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus.

Discussion

Petitioner states that on January 3, 2003, he was convicted of intoxicated assault in the 54th District Court of McLennan County, Texas. He was sentenced to 8 years imprisonment.

Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that a district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in McLennan County, Texas. Pursuant to 28 U.S.C. § 124, McLennan County is in the Waco Division of the United States District Court for the Western District of

Texas. As all records and witnesses involving this action may be located in the Western District, the transfer of this action to such district would further justice.

Accordingly, this case should be transferred to the Waco Division of the United States District Court for the Western District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 16 day of January, 2007.

Keith F. Giblin  
KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE